

**MINUTES OF THE CITY-COUNTY COUNCIL  
AND  
SPECIAL SERVICE DISTRICT COUNCILS  
OF  
INDIANAPOLIS, MARION COUNTY, INDIANA  
REGULAR MEETINGS  
MONDAY, JUNE 5, 2006**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:10 p.m. on Monday, June 5, 2006, with President Gray presiding.

Councillor Cockrum led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

**ROLL CALL**

President Talley instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

*28 PRESENT: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*  
*1 ABSENT: Langsford*

A quorum of twenty-eight members being present, the President called the meeting to order.

**OFFICIAL COMMUNICATIONS**

John Garrett, Paul Murphy and James O'Donnell, U.S.S. Indianapolis Board Members, made a brief presentation regarding plans for a U.S.S. Indianapolis Museum. Mr. Murphy stated that there are thousands of artifacts collected from the U.S.S. Indianapolis and no home to keep this story alive. He said that they have found a building close to the monument, and they are asking all government entities to help as they can. Councillor Sanders said that several of the building trade organizations have volunteered to renovate the building at cost, and she hopes the Council can help them raise the money they need to make this dream come true, as individuals and through organizations to which Councillors belong. Councillor Gibson asked where they would send checks for this project. Bill Gray, treasurer, stated that they would send them to the U.S.S. Indianapolis Museum, Inc., and he gave offered an address. Councillor Borst asked what the total project budget would be. Mr. Murphy said that it would be \$2.5 to \$3 million for the purchase of the building, but this is negotiable. The building trades will be donating labor and building materials.

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, June 5, 2006, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,  
s/Monroe Gray  
President, City-County Council

May 11, 2006

TO PRESIDENT GRAY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Indianapolis Recorder* and in the *Indianapolis Star* on Friday, May 19, 2006, a notice of a public hearing regarding the BrightHouse request for renewal of their cable franchise agreement on Tuesday, June 6, 2006 at 5:30 p.m. in Room 260 of the City-County Building.

Respectfully,  
s/Jean Ann Milharcic  
Clerk of the City-County Council

May 23, 2006

TO PRESIDENT GRAY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, May 26, 2006, a copy of a Notice of Public Hearing on Proposal Nos. 240, 275, 277, 280, and 282-288, 2006, said hearing to be held on Monday, June 5, 2006, at 7:00 p.m. in the City-County Building.

Respectfully,  
s/Jean Ann Milharcic  
Clerk of the City-County Council

May 23, 2006

TO PRESIDENT GRAY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following ordinances:

FISCAL ORDINANCE NO. 47, 2006 - approves an additional appropriation of \$538,000 in the Budget of the Marion County Election Board (Section 102 HAVA Reimbursement Fund) to pay for expenses related to the refinancing of the county's voting machines and to cover the estimated interest payments and attorney fees throughout 2006, funded by the Help America Vote Act fund

FISCAL ORDINANCE NO. 48, 2006 - approves an appropriation of \$115,000 in the 2006 Budget of the Department of Parks and Recreation (Park General Fund) to pay for a portion of the construction costs associated with the Earth Discovery Center, a state of the art interactive environmental learning center available to audiences young and old throughout the County, funded by interest earned on Lilly Grants

*June 5, 2006*

GENERAL RESOLUTION NO. 7, 2006 – requests a parking meter blackout on May 26, 2006, to encourage veterans and citizens to observe the 500 Festival Memorial Service on Monument Circle

GENERAL ORDINANCE NO. 51, 2006 - amends Chapter 631, Article 1 of the Revised Code to add a new section limiting access of persons required to and or listed on the Indiana State Sex Offender Registry, as a result of a conviction of a child related offense, to public park facilities and playground areas

GENERAL ORDINANCE NO. 52, 2006 – authorizes a change in the preferential street at the intersection of 17th Street and New Jersey Street (District 9)

GENERAL ORDINANCE NO. 53, 2006 – authorizes the deletion of 45 degree angle, 90 degree angle, and 60 degree angle parking at various locations within the City of Indianapolis (Districts 9, 15, 19)

GENERAL ORDINANCE NO. 54, 2006 – authorizes a multi-way stop at the intersection of Bosart Avenue and Wentworth Boulevard (Districts 16, 21)

GENERAL ORDINANCE NO. 55, 2006 – authorizes one-way restrictions on Weaver Avenue between Edwards Avenue and Windermire Street (District 23)

GENERAL ORDINANCE NO. 56, 2006 – authorizes intersection controls for the Bentley Farms Subdivision (District 25)

GENERAL ORDINANCE NO. 57, 2006 – authorizes intersection controls for the Feather Run Subdivision (District 25)

GENERAL ORDINANCE NO. 58, 2006 – authorizes intersection controls for the Southport Green Subdivision, Section 2 (District 25)

GENERAL ORDINANCE NO. 59, 2006 – authorizes intersection controls for the Harmony Subdivision, Section 1 (District 25)

GENERAL ORDINANCE NO. 60, 2006 - authorizes intersection controls for the Waters Edge at Cummins Farm Subdivision, Section 3 (District 25)

GENERAL ORDINANCE NO. 61, 2006 – authorizes intersection controls for the Moeller Estates at Wildwood Farms Subdivision, Section 1 (District 25)

GENERAL ORDINANCE NO. 62, 2006 – authorizes intersection controls for the Keeneland Crest Subdivision, Sections 1, 2 and 3 (District 25)

GENERAL ORDINANCE NO. 63, 2006 - authorizes intersection controls for the Glen Ridge South Subdivision, Sections 2 and 3 (District 25)

SPECIAL RESOLUTION NO. 31, 2006 - recognizes the Ben Davis High School Marching Band

SPECIAL RESOLUTION NO. 32, 2006 - celebrates Warren Central Speech Team's first State Championship since 1967

SPECIAL RESOLUTION NO. 33, 2006 - recognizes the 2006 Indianapolis Star's Indiana Academic All-Stars from Marion County

SPECIAL RESOLUTION NO. 34, 2006 - encourages City-County government, Municipal Corporations, excluded cities, and township governments to work together to develop a comprehensive five-year plan, project budgets, analyze existing revenue trends, and explore alternative solutions to provide services to the taxpayers

SPECIAL RESOLUTION NO. 35, 2006 – approves the issuance of Marion County, Indiana, Family and Children Fund General Obligation Notes, Series 2006, in an original aggregate principal amount not to exceed \$33,360,000 and appropriating the proceeds of the borrowing

SPECIAL RESOLUTION NO. 36, 2006 - recognizes St. Vincent Hospital for 125 years of service to the Indianapolis community

Respectfully,  
s/Bart Peterson, Mayor

## **ADOPTION OF THE AGENDA**

The President proposed the adoption of the agenda as distributed.

Councillor Sanders moved, seconded by Councillor Talley, to move Proposal No. 307, 2006 as the first item under Public Hearing because it is inter-related with Proposal No. 240, 2006 and should be voted on before Proposal No. 240, 2006. The motion carried by a unanimous voice vote.

Councillor Sanders moved, seconded by Councillor Talley, to move Proposal No. 165, 2006 up under Priority Business with the other inducements. The motion carried by a unanimous voice vote.

Councillor Conley made the following motion:

Mr. President:

I move to suspend the requirements of Sec. 151-76 of the Council Rules as to Proposal No. 328, 2006, and authorize the Clerk to advertise the same for public hearing before this Council at its meeting on June 19, 2006.

Councillor Talley seconded the motion, and the Rules were suspended by a unanimous voice vote.

Without further objection, the agenda was adopted as amended.

### **APPROVAL OF THE JOURNAL**

The President called for additions or corrections to the Journal of May 15, 2006. There being no additions or corrections, the minutes were approved as distributed.

### **PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS**

PROPOSAL NO. 351, 2006. The proposal, sponsored by Councillors Sanders, Gray, Conley, Brown, Talley, Nytes, Abdullah, Bowes, Boyd, Franklin, Gibson, Mahern, Mansfield, Moriarty Adams, Oliver and Borst, remembers the life of and honors Virginia Dill McCarty, who passed away at her home on May 26, 2006. Councillor Sanders read the proposal and presented former law partner Jim Beatty with a copy of the document and a Council pin. Councillor Sanders moved, seconded by Councillor Gibson, for adoption. Proposal No. 351, 2006 was adopted by a unanimous voice vote.

Proposal No. 351, 2006 was retitled SPECIAL RESOLUTION NO. 374, 2006, and reads as follows:

#### **CITY-COUNTY SPECIAL RESOLUTION NO. 37, 2006**

A SPECIAL RESOLUTION remembering the life of and in honor of Virginia Dill McCarty who passed away at her home on May 26, 2006.

WHEREAS, Virginia Dill McCarty, was a fifth generation Hoosier and lifelong resident of Indiana who devoted much of her life, away from home and family, to public service; and,

WHEREAS, Mrs. McCarty was an outstanding woman, a warm and gracious mother of two, Janet M. McCarty and Michael B. McCarty, and was a person many saw as and relied upon as a friend; and,

WHEREAS, Mrs. McCarty grew up in Plainfield, went on to graduate from Indiana University, Bloomington, and attended law school at Indiana University Law School – Indianapolis where, in 1950, she graduated first in her class and was admitted to the Order of the Coif; and,

*June 5, 2006*

WHEREAS, Mrs. McCarty was the first woman in the nation to be appointed to a full term as U.S. attorney and was the first woman candidate for the Office of Governor of the State of Indiana; and,

WHEREAS, Mrs. McCarty made extraordinary contributions to our community including her membership and service as a state bar examiner, a member of the Indianapolis Marion County Public Library Board, the Marion County Public Defender Board, the Indiana Lawyers Commission, the Board of the Indiana Department of Corrections and was co-founder and first president of the Indiana Women's Political Caucus; and,

WHEREAS, Mrs. McCarty was the first woman to be nominated for Judge in Marion County by a major political party, the first woman nominated as the Democratic candidate for Attorney General of Indiana, and was the recipient of many awards during her career including: Woman of the Year, Indianapolis Star (1978), Woman of the Year, B'Nai B'rith, Indianapolis Chapter (1973), Martin Luther King, Jr. Political Action Award, Indianapolis Education Association Award (1973), and the Indiana University Distinguished Alumni Service Award (1979); and,

WHEREAS, Mrs. McCarty was a dedicated protector of the rights of all people, a hard worker who never stopped loving the law, a community activist, a friend to many and a loving mother who will long be remembered, and will be greatly missed; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly, hereby, acknowledges and honors the extraordinary accomplishments and contributions made to our community by Virginia Dill McCarty.

SECTION 2. The Council salutes her achievements, remembers her dedication, knows that she is surely missed and believes our community has been made better by her sharing of her talents and love with us all.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 352, 2006. The proposal, sponsored by Councillor Talley, recognizes the 3rd Annual Indianapolis Book Fest, sponsored by Indianapolis Book Fest, Inc. Councillor Talley read the proposal and presented representatives with copies of the document and Council pins. Delores Thorton, co-founder of the event, thanked the Council for the recognition and stated that the Indianapolis Book Fest will help to put Indianapolis on the map as a literary city. Councillor Talley invited members to attend. Councillor Talley moved, seconded by Councillor Keller, for adoption. Proposal No. 352, 2006 was adopted by a unanimous voice vote.

Proposal No. 352, 2006 was retitled SPECIAL RESOLUTION NO. 38, 2006, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 38, 2006

A SPECIAL RESOLUTION recognizing the 3<sup>rd</sup> Annual Indianapolis Book Fest sponsored by Indianapolis Book Fest, Inc.

WHEREAS, Indianapolis Book Fest, Incorporated will be celebrating its 3<sup>rd</sup> Annual Indianapolis Book Fest on Saturday, June 17, 2006 at Glendale Mall; and

WHEREAS, this free event is open to the entire community and will begin at 10:00 a.m. until 5:00 p.m. The goal of the event is for the Indianapolis Book Fest, Incorporated to do its part to help reduce the illiteracy rate in the State of Indiana; and

WHEREAS, the mission of the Indianapolis Book Fest is to promote literacy, as well as cultural diversity of the written and performing arts in Indianapolis; and

WHEREAS, children and adults of all races will be the target of the event, with a special emphasis on the urban communities, at risk youth, and area teens; and

WHEREAS, the Indianapolis Book Fest will bring together different components of the literary world and academia; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council congratulates the Indianapolis Book Fest, Inc. on its 3<sup>rd</sup> year of promoting literacy in Indiana.

SECTION 2. The Council extends its appreciation and gratitude to the Indianapolis Book Fest for its generous efforts in the community and wishes the organization continued success.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 353, 2006. The proposal, sponsored by Councillors Borst, Cockrum and Mahern, recognizes Dr. Robert Burgbacher, retiring Executive Director of the Mary Rigg Neighborhood Center. Councillor Borst moved, seconded by Councillor Cockrum, to postpone Proposal No. 353, 2006 until June 19<sup>th</sup>, when Dr. Burgbacher can attend. Proposal No. 353, 2006 was postponed by a unanimous voice vote.

PROPOSAL NO. 354, 2006. The proposal, sponsored by Councillor Oliver, recognizes Sam Garrison for his commitment and dedication as an IndyGo driver. Councillor Oliver read the proposal and presented Mr. Garrison with a copy of the document and a Council pin. Mr. Garrison thanked the Council for the recognition. Councillor Gibson and Union President Cliff Brown stated that they are proud of the service, commitment and dedication of their public transportation personnel. Councillor Oliver moved, seconded by Councillor Gibson, for adoption. Proposal No. 354, 2006 was adopted by a unanimous voice vote.

Proposal No. 354, 2006 was retitled SPECIAL RESOLUTION NO. 39, 2006, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 39, 2006

A SPECIAL RESOLUTION recognizing Sam Garrison.

WHEREAS, Mr. Garrison has worked at IndyGo since 1967 and is committed to public transportation, its customers and their communities; and

WHEREAS, Mr. Garrison has held the number one seniority at IndyGo Service since 2005 and was nominated by the IndyGo staff for the city's Recognition of Service Excellence Awards (ROSE) in 2004 and 2005; and

WHEREAS, Mr. Garrison has a 29-year Safe Driving Record; and

WHEREAS, Mr. Garrison has driven Route 2 for the past 10 years, is loved by his customers, and mentors to new and/or younger IndyGo operators; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes Sam Garrison on his dedication to IndyGo for the past 39 years.

SECTION 2. The Council heartily congratulates Mr. Garrison on his many accomplishments over the years and wishes him continued success.

*June 5, 2006*

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Boyd reported that the Rules and Public Policy Committee heard Proposal Nos. 149, 219, and 220, 2006 on April 18 and May 16, 2006. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 149, 2006. The proposal, sponsored by Councillors Gray and Conley, appoints Joe Long to the Common Construction Wage Committee for Lawrence Township. PROPOSAL NO. 219, 2006. The proposal, sponsored by Councillors Gray, Conley and Brown, appoints Harold Barney to the Common Construction Wage Committee for Washington Township. PROPOSAL NO. 220, 2006. The proposal, sponsored by Councillors Gray, Conley and Brown, appoints J. Ward Daniels to the Common Construction Wage Committee for Pike Township. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Boyd moved, seconded by Councillor Conley, for adoption. Proposal Nos. 149, 219, and 220, 2006 were adopted by a unanimous voice vote.

Proposal No. 149, 2006 was retitled COUNCIL RESOLUTION NO. 73, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 73, 2006

A COUNCIL RESOLUTION appointing Joe Long to the Common Construction Wage Committee for Lawrence Township.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Common Construction Wage Committee, the Council appoints:

Joe Long

SECTION 2. The appointment made by this resolution is made at the pleasure of the council and shall continue until a successor is appointed and qualifies.

Proposal No. 219, 2006 was retitled COUNCIL RESOLUTION NO. 74, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 74, 2006

A COUNCIL RESOLUTION appointing Harold Barney to the Common Construction Wage Committee, for Washington Township.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Common Construction Wage Committee, the Council appoints:

Harold Barney

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2006.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 220, 2006 was retitled COUNCIL RESOLUTION NO. 75, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 75, 2006

A COUNCIL RESOLUTION appointing J. Ward Daniels to the Common Construction Wage Committee, for Pike Township.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Common Construction Wage Committee, the Council appoints:

J. Ward Daniels

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2006.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 239, 2006. Councillor Bowes reported that the Community Affairs Committee heard Proposal No. 239, 2006 on May 30, 2006. The proposal, sponsored by Councillors Sanders, Keller and Nytes, recognizes Indianapolis as a city committed to inclusion and a member of the Partnership for Working Toward Inclusive Communities. By a 4-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Bowes moved, seconded by Councillor Keller, for adoption. Proposal No. 239, 2006 was adopted on the following roll call vote; viz:

*25 YEAS: Abdullah, Borst, Bowes, Boyd, Brown, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Speedy, Talley*  
*3 NAYS: Bradford, Cain, Schneider*  
*0 NOT VOTING:*  
*1 ABSENT: Langsford*

Councillor Bradford asked for consent to explain his vote. Consent was given. Councillor Bradford stated that he opposed the proposal because it is a waste of time, as everyone knows Indianapolis is an inclusive city and it is already obvious and does not need a proposal to indicate such.

Councillor Nytes said that Indianapolis has become a more inclusive city but will never be done growing, learning and reaching out.

Councillor Boyd said that he was surprised that there was so much discussion on this proposal in committee. He said that he is not naïve enough to think that taking this action makes Indianapolis more inclusive, but as an active participant in the National League of Cities, who supports this initiative, it is important to keep Indianapolis in the forefront as an inclusive city.

Proposal No. 239, 2006 was retitled SPECIAL RESOLUTION NO. 40, 2006, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 40, 2006

PROPOSAL FOR A SPECIAL RESOLUTION recognizing Indianapolis as a city committed to inclusion and a member of the Partnership for Working Toward Inclusive Communities.

WHEREAS, Indianapolis is committed to inclusion as a fundamental aspect of our community; and



*June 5, 2006*

WHEREAS, cities and towns are the best place to make inclusiveness an everyday priority; and

WHEREAS, local elected officials can and should lead the way forward in making inclusiveness a priority in America's cities and towns; and

WHEREAS, the National League of Cities has designed the Partnership for Working Toward Inclusive Communities to support cities and towns in their commitment to inclusion; and

WHEREAS, the National League of Cities and its members believe an inclusive community promotes equal opportunity and fairness; and

WHEREAS, the National League of Cities and its members believe an inclusive community promotes citizen participation and engagement; and

WHEREAS, National League of Cities President Jim Hunt, councilmember, Clarksburg, West Virginia, has invited local officials to join the Partnership for Working Toward Inclusive Communities and to make a commitment to building more inclusive communities in their own cities and towns;

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Recognize Indianapolis as a city committed to inclusion and a member of the Partnership for Working Toward Inclusive Communities.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 244, 2006. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 244, 2006 on April 19, 2006. The proposal, sponsored by Councillors Moriarty Adams, Gray, Brown and Talley, appoints Adrienne Holmes to the Marion County Community Corrections Advisory Board. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor Sanders, for adoption. Proposal No. 244, 2006 was adopted by a unanimous voice vote.

Proposal No. 244, 2006 was retitled COUNCIL RESOLUTION NO. 76, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 76, 2006

A COUNCIL RESOLUTION appointing Adrienne Holmes to the Marion County Community Corrections Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Marion County Community Corrections Advisory Board, the Council appoints:

Adrienne Holmes

SECTION 2. The appointment made by this resolution is for a term ending on December 31, 2009. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualifies.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 246, 2006. Councillor Conley reported that the Public Works Committee heard Proposal No. 246, 2006 on April 27, 2006. The proposal, sponsored by Councillors Conley, Gray

and Talley, appoints Clarence Crain to the Board of Public Works. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Conley moved, seconded by Councillor Talley, for adoption. Proposal No. 246, 2006 was adopted by a unanimous voice vote.

Proposal No. 246, 2006 was retitled COUNCIL RESOLUTION NO. 77, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 77, 2006

A COUNCIL RESOLUTION appointing Clarence Crain to the Board Of Public Works.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board Of Public Works, the Council appoints:

Clarence Crain

SECTION 2. The appointment made by this resolution is for a term ending on December 31, 2006 pursuant to Sec. 261-402 of the Revised Code of the City and County. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualifies.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Boyd reported that the Rules and Public Policy Committee heard Proposal Nos. 294, 297 and 298, 2006 on May 16, 2006. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 294, 2006. The proposal, sponsored by Councillors Gray and Talley, appoints Councillor Marilyn Pfisterer as a member of the Early Intervention Planning Council. PROPOSAL NO. 297, 2006. The proposal, sponsored by Councillors Gray and Talley, appoints Rita Akins as a member of the Early Intervention Planning Council. PROPOSAL NO. 298, 2006. The proposal, sponsored by Councillors Gray and Talley, appoints Patricia Jones as a member of the Early Intervention Planning Council. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Boyd moved, seconded by Councillor Gibson, for adoption. Proposal Nos. 294, 297 and 298, 2006 were adopted by a unanimous voice vote.

Proposal No. 294, 2006 was retitled COUNCIL RESOLUTION NO. 78, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 78, 2006

A COUNCIL RESOLUTION appointing Marilyn Pfisterer as the minority caucus member of the Early Intervention Planning Council.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Early Intervention Planning Council, the Council appoints:

Marilyn Pfisterer

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2007.

*June 5, 2006*

Proposal No. 297, 2006 was retitled COUNCIL RESOLUTION NO. 79, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 79, 2006

A COUNCIL RESOLUTION appointing Rita Akins, a local provider and representative of Marion County community mental health providers, as a member of the Early Intervention Planning Council.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Early Intervention Planning Council, the Council appoints:

Rita Akins

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2007.

Proposal No. 298, 2006 was retitled COUNCIL RESOLUTION NO. 80, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 80, 2006

A COUNCIL RESOLUTION appointing Patricia Jones, a representative of the Marion County School Corporations outside the Indianapolis Public Schools district, as a member of the Early Intervention Planning Council.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Early Intervention Planning Council, the Council appoints:

Patricia Jones

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2007.

PROPOSAL NO. 306, 2006. Councillor Mahern reported that the Metropolitan Development Committee heard Proposal No. 306, 2006 on May 31, 2006. The proposal, sponsored by Councillors Gray and Talley, appoints Maryann Seyfried to the Metropolitan Board of Zoning Appeals, Board I. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Mahern moved, seconded by Councillor Talley, for adoption. Proposal No. 306, 2006 was adopted by a unanimous voice vote.

Proposal No. 306, 2006 was retitled COUNCIL RESOLUTION NO. 81, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 81, 2006

A COUNCIL RESOLUTION appointing Maryann Seyfried to the Metropolitan Board of Zoning Appeals, Board I.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Metropolitan Board of Zoning Appeals, Board I, the Council appoints:

Maryann Seyfried

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2006 or until the appointee's successor is appointed and qualifies.

## **INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 324, 2006. Introduced by Councillors Boyd and Cain. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$150,000 in the 2006 Budget of the Marion County Children's Guardian Home (County General Fund) to pay costs associated with privatizing the food service program"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 325, 2006. Introduced by Councillors Mahern, Nytes and Talley. The Clerk read the proposal entitled: "A Proposal for a General Resolution which designates and establishes a municipal riverfront development project area pursuant to IC 7.1-3-20 to encourage new restaurant proprietors to invest in the central canal area"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 326, 2006. Introduced by Councillors Gray, Brown, Oliver, Nytes, Cockrum, Talley and Gibson. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves certain public purpose grants totaling \$1,543,500 for the support of the arts"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 327, 2006. Introduced by Councillors Gray, Abdullah and Gibson. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Jane Hart-Ajabu, as a lay person, to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 328, 2006. Introduced by Councillors Moriarty Adams, Gray, Talley and Randolph. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$8,246,200 in the 2006 Budget of the Police and Fire Divisions of the Department of Public Safety (Consolidated County Fund), the Marion County Coroner (County General Fund), Marion County Superior Court (County General Fund) and the Marion County Sheriff (County General Fund) to fund the public safety and criminal justice needs identified by the Criminal Justice Planning Council, to provide for the transfer of the Arrestee Processing Center from IPD to the Sheriff's Department effective July 1, 2006, and to fund the projected shortage of the Sheriff's fuel budget"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 329, 2006. Introduced by Councillors Moriarty Adams, Borst, Brown, Talley and Randolph. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$50,000 in the 2006 Budget of the Marion County Superior Court (County General Fund) to pay for supplies for the Juvenile Detention Center"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 330, 2006. Introduced by Councillors Moriarty Adams, Borst, Brown and Randolph. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$46,000 in the 2006 Budget of the Marion County Superior Court (State and Federal Grants Fund) to appropriate three grants from the Indiana Criminal Justice Institute, the Indiana Supreme Court and the Indianapolis Bar Foundation to fund representation for children in at-risk families, interpreter services, and the development of an instructional video production for use in family law pro se cases"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 331, 2006. Introduced by Councillors Moriarty Adams, McWhirter, Brown and Randolph. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$550,000 in the 2006 Budget of the Department of Public Safety, Director's Office (Non-Lapsing Federal Grants Fund) to "harden" potential targets of terrorism, including dams at Eagle Creek and Morse Reservoir and facilities at the Eli Lilly Corporation, financed by a grant from the U.S. Department of Homeland Security"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 332, 2006. Introduced by Councillors Moriarty Adams, McWhirter, Brown, Talley and Randolph. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$6,000,000 in the 2006 Budget of the Department of Public Safety, Police Division (Non-Lapsing Federal Grants Fund) to replace 2,000 hand held radios as part of the metropolitan Emergency Communications Agency's (MECA) plan to upgrade to a new digital radio system, financed by a grant from the U.S. Department of Justice"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 333, 2006. Introduced by Councillors Moriarty Adams, Brown, Talley and Randolph. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$139,263 in the 2006 Budget of the Marion County Public Defender Agency (State and Federal Grants Fund) to implement the 2nd year of a "Forensic Diversion: Alternatives to Incarceration" program, funded by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 334, 2006. Introduced by Councillors Moriarty Adams, Brown and Randolph. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation totaling \$3,457,730 in the 2006 Budget of the Marion County Community Corrections (State and Federal Grants Fund) to appropriate state funds for the fiscal year 2006/2007, funded by a grant from the Indiana Department of Corrections"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 335, 2006. Introduced by Councillors Moriarty Adams, Brown and Randolph. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation totaling \$94,434 in the 2006 Budget of Marion County Community Corrections (State and Federal Grants Fund) for a substance abuse treatment program to be provided to offenders located in the Community Corrections Center and the Marion County Jail, financed by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 336, 2006. Introduced by Councillors Moriarty Adams, Brown and Randolph. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer and increase totaling \$35,970 in the 2006 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to continue funding of staff for the Joint Regional Gang Interdiction Program funded by a grant from the Indiana Criminal Justice Institute to purchase "ice light" flashlights for local law enforcement working at sobriety and seat belt checkpoints, funded by a grant from the Governor's Council on Impaired and Dangerous Driving, and for the purchase of laboratory testing supplies for fingerprint examiners, funded by a transfer between characters of a Project Sentry federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 337, 2006. Introduced by Councillors Franklin, Plowman and Randolph. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase

of \$260,000 in the 2006 Budget of the Marion County Forensic Services Agency (State and Federal Grants Fund) to provide training, equipment and contract services aimed at improving the efficiency of the forensic DNA casework lab, financed by a grant from the U.S. Department of Justice"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 338, 2006. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$125,000 in the 2006 Budget of the Marion County Public Defender Agency (County General Fund) to allow the agency to hire four (4) full time attorneys to work on cases involving termination of parental rights (TPR) and children in need of services (CHINS)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 339, 2006. Introduced by Councillors Conley, Mahern, Moriarty Adams, Speedy, Keller, Brown and Gibson. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Kumar Menon as the Director of the Department of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 340, 2006. Introduced by Councillors Conley, Moriarty Adams, Mansfield, Keller and Randolph. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$5,000,000 in the 2006 Budget of the Department of Public Works, Operations Division, (Sanitation Liquid Waste Fund) to pay for work related to sanitary sewer infrastructure relocation as part of the Indiana Department of Transportation's (INDOT) Accelerate I-465 projects to upgrade the interstate system in Marion County, the costs for which will be reimbursed by INDOT"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 341, 2006. Introduced by Councillors Conley, Moriarty Adams, Mansfield and Cain. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$500,000 in the 2006 Budget of the Department of Public Works, Operations Division (State Grants Fund) to begin the first phase of a project to convert existing incandescent traffic signals to more energy efficient LED lights, funded by a grant from the Indiana Office of Energy and Defense Development"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 342, 2006. Introduced by Councillors Conley, Moriarty Adams, Keller and Cain. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$34,944 in the 2006 Budget of the Department of Public Works, Policy and Planning Division (Consolidated County Fund) to hire interns, funded by contributions from the IUPUI Solution Center and from AMEC, Inc."; and the President referred it to the Public Works Committee.

PROPOSAL NO. 343, 2006. Introduced by Councillors Conley, Mansfield, Cockrum, Talley and Randolph. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$5,833,000 in the 2006 Budget of the Department of Public Works, Engineering and Operations Divisions (Stormwater Management Utility Fund) for stormwater capital projects and stormwater related maintenance costs"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 344, 2006. Introduced by Councillors Conley, Mahern and Keller. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$830,000 in the 2006 Budget of the Department of Public Works, Operations Division (Sanitation Liquid Waste Fund) to pay increased costs for electric and gas utilities for the

advanced wastewater treatment plants"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 345, 2006. Introduced by Councillor Salisbury. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Revised Code, traffic operating restrictions, to regulate the use of any engine, compression, dynamic braking device, or mechanical exhaust device (often times referred to as a "Jake brake" or "jake braking")"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 346, 2006. Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Paxton Place from College Avenue to Guilford Avenue (District 3)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 347, 2006. Introduced by Councillor Bowes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the intersection of Guion Road and Industrial Boulevard (District 7)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 348, 2006. Introduced by Councillor Bowes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal for the intersection of Lafayette Boulevard and Lafayette Road (District 7)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 349, 2006. Introduced by Councillors Gibson, Pfisterer, Talley, Franklin, Cain and Randolph. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's establishment of a charter school, " Lawrence Early College High School of Science and Technologies" by issuing a charter to Lawrence Early College High School, Inc."; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 350, 2006. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code regarding dealers in secondhand goods to include regulation of the sale of salvage or scrap metal"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 362, 2006. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Marilyn Pfisterer to the City-County Internal Audit Committee"; and the President referred it to the Administration and Finance Committee.

### **SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NO. 321, 2006. Councillor Nytes reported that the Economic Development Committee heard Proposal No. 321, 2006 on May 24, 2006. The proposal, sponsored by Councillor Nytes, is an inducement resolution for Canterbury Lake L.P. and Canterbury Lake LLC, or their designees, in an amount not to exceed \$16,500,000 for the acquisition and construction of a 252-unit affordable apartment community situated on 47 acres located at 3355 S. Arlington Avenue (Canterbury Lakes Apartment Project) (District 25). By a 3-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Nytes moved, seconded by Councillor Gibson, for adoption.

Councillor Speedy asked for consent to abstain to avoid the appearance of a conflict of interest. Consent was given.

Councillor Plowman said that this project is in his district, and he knows this area better than any other Councillor. He said that he is not opposed to the developer, as they are a good developer. He is also not opposed to low-income housing, as more is needed in many places throughout the county. However, Franklin Township just spent countless hours, with the largest turnout of citizens ever involved, on a comprehensive plan, and the consensus is that this property is best suited to light industrial. He said that there are many affordable housing developments in Franklin Township, and this would be a burden on the school system. He showed a video regarding Franklin Township and its economic development efforts.

Councillor Talley said that this proposal had a thorough hearing in committee, and this video presentation would have been better presented in committee. Allowing the video to be seen at the final Council hearing on an issue that is not open for public discussion, only allows one side to be represented, and equal time and opportunity should be afforded to the opposing side.

Councillor Gibson agreed, but said that he feels the video actually supports the need for this development instead of going against it.

Councillor Mansfield said that this property is zoned properly for multi-family housing and has been zoned as such for decades. This proposal has nothing to do with a zoning case, and the property is zoned for residential, not light industrial.

Councillor McWhirter said that she has ongoing concerns in voting for inducement funding for a new property when there are so many foreclosures across the county.

Councillor Sanders said that there is still a need for affordable housing in the County, and in Franklin Township. She said that many families are faced with the decision of whether to keep a mortgage or a car. She said that she did not like the tone of some of the e-mails that she has received questioning the type of people brought into a community with affordable housing projects.

Councillor Plowman said that the e-mails were referring to undesirable people, such as child molesters, and not to a particular race or social status. He said that the community has spent a lot of time and effort on economic development in this area and want to keep this property reserved for light industrial.

Proposal No. 321, 2006 was adopted on the following roll call vote; viz:

*17 YEAS: Abdullah, Bowes, Boyd, Brown, Cain, Conley, Franklin, Gibson, Gray, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Pfisterer, Sanders, Talley*  
*10 NAYS: Borst, Bradford, Cockrum, Day, Keller, McWhirter, Plowman, Randolph, Salisbury, Schneider*  
*1 NOT VOTING: Speedy*  
*1 ABSENT: Langsford*

Proposal No. 321, 2006 was retitled SPECIAL RESOLUTION NO. 41, 2006, and reads as follows:



*June 5, 2006*

CITY-COUNTY SPECIAL RESOLUTION NO. 41, 2006

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "Issuer"), is authorized by IC 36-7-11.9 and 12, as supplemented and amended (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be loaned to a developer and used for the acquisition, rehabilitation, installation and equipping of such facilities.

WHEREAS, Canterbury Lake L.P. and Canterbury Lake LLC or their designees, (the "Applicant") has advised the Indianapolis Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer issue its revenue bonds and loan the proceeds of the Bonds to the Applicant for use in acquiring and constructing certain economic development facilities, said economic development facilities consisting of a 252-unit apartment community located at 3355 South Arlington Avenue, Indianapolis, Indiana to be known as Canterbury Lake Apartments (the "Project") in District 25; and

WHEREAS, the diversification of industry and the creation and retention of opportunities for gainful employment and the creation of business properties to be achieved by the acquisition and rehabilitation of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, it would appear that the financing of the Project would be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

SECTION 1. It finds, determines, ratifies and confirms that the diversification of industry and the creation and retention of opportunities for gainful employment within the jurisdiction of the Issuer; is desirable, serves a public purpose and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the retention of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$16,500,000 under the Act to be privately placed or publicly offered and the loan of the proceeds of the revenue bonds to the Applicant for the acquisition and construction of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition and construction of the Project, the Commission requests the City-County Council of the Issuer to (i) take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that the proposed inducement resolution expires on December 31, 2006, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the City-County Council of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action extends the term of the inducement resolution; and (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds provided that, at the time of the proposed issuance of such bonds, (a) the inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during the calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may, and in all probability will, be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such private activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the

issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose at the time of the authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of the special resolution to be adopted by the City-County Council of the Issuer, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and acquisition and rehabilitation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the Project to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the Project.

SECTION 5. The Council recognizes that the Applicant intends to utilize Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, or any successor section thereof in connection with the financing of the Project with tax-exempt bonds.

SECTION 6. The Council hereby finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Internal Revenue Code of 1986, as amended, does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Applicant. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Mayor of the City of Indianapolis (the "Mayor") is hereby directed to delegate to the Director, Department of Metropolitan Development, the authority to execute on behalf of the Mayor and the Issuer any and all documents required in the application process for tax credit or volume cap allocations from the appropriate State of Indiana agency. In reliance upon the representations of the Applicant, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under the State's qualified allocation plan.

SECTION 7. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 322, 2006. Councillor Nytes reported that the Economic Development Committee heard Proposal No. 322, 2006 on May 24, 2006. The proposal, sponsored by Councillor Nytes, is an inducement resolution for Pedcor Investments-2006-LXXXVIII, L.P. in an amount not to exceed \$15,000,000 for the acquisition and construction of a 220-unit affordable apartment community (Forest Ridge Apartment Community) situated on approximately 25 acres located southeast of the intersection of 79th Street and Township Line Road (District 2). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Nytes moved, seconded by Councillor Sanders, for adoption. Proposal No. 322, 2006 was adopted on the following roll call vote; viz:

*24 YEAS: Abdullah, Borst, Bowes, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Speedy, Talley*  
*3 NAYS: McWhirter, Plowman, Schneider*  
*1 NOT VOTING: Bradford*  
*1 ABSENT: Langsford*

Proposal No. 322, 2006 was retitled SPECIAL RESOLUTION NO. 42, 2006, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 42, 2006

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "Issuer"), is authorized by IC 36-7-11.9 and 12, as supplemented and amended (collectively, the "Act") to issue revenue bonds for the financing of

*June 5, 2006*

economic development facilities, the funds from said financing to be loaned to a developer and used for the acquisition, rehabilitation, installation and equipping of such facilities.

WHEREAS, Pedcor Instruments – 2006 – LVXXXVIII, or its assigns (the "Applicant") has advised the Indianapolis Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer issue its revenue bonds and loan the proceeds of the Bonds to the Applicant for use in acquiring and constructing certain economic development facilities, said economic development facilities consisting of a 220-unit apartment community to be known as Forest Ridge Apartment Community located southeast of the intersection of 79<sup>th</sup> Street and Township Line Road in District 2 (the "Project"); and

WHEREAS, the diversification of industry and the creation and retention of opportunities for gainful employment and the creation of business properties to be achieved by the acquisition and rehabilitation of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, it would appear that the financing of the Project would be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

SECTION 1. It finds, determines, ratifies and confirms that the diversification of industry and the creation and retention of opportunities for gainful employment within the jurisdiction of the Issuer; is desirable, serves a public purpose and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the retention of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$15,000,000 under the Act to be privately placed or publicly offered and the loan of the proceeds of the revenue bonds to the Applicant for the acquisition and construction of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition and construction of the Project, the Commission requests the City-County Council of the Issuer to (i) take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that the proposed inducement resolution expires on December 31, 2006, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the City-County Council of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action extends the term of the inducement resolution; and (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds provided that, at the time of the proposed issuance of such bonds, (a) the inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during the calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may, and in all probability will, be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such private activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose at the time of the authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of the special resolution to be adopted by the City-County Council of the Issuer, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and acquisition and rehabilitation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the Project to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the Project.

SECTION 5. The Council recognizes that the Applicant intends to utilize Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, or any successor section thereof in connection with the financing of the Project with tax-exempt bonds.

SECTION 6. The Council hereby finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Internal Revenue Code of 1986, as amended, does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Applicant. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Mayor of the City of Indianapolis (the "Mayor") is hereby directed to delegate to the Director, Department of Metropolitan Development, the authority to execute on behalf of the Mayor and the Issuer any and all documents required in the application process for tax credit or volume cap allocations from the appropriate State of Indiana agency. In reliance upon the representations of the Applicant, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under the State's qualified allocation plan.

SECTION 7. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 323, 2006. Councillor Nytes reported that the Economic Development Committee heard Proposal No. 323, 2006 on May 24, 2006. The proposal, sponsored by Councillor Nytes, is an inducement resolution for Urban Innovations, Ltd in an amount not to exceed \$6,750,000 for the acquisition, rehabilitation and renovation of a 111-unit low-income elderly apartment complex located at 8851 Colby Boulevard (Park Regency Apartments Project) (District 1). By a 4-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Mansfield said that she feels she must disclose that she has served on the Park Regency Board for several years, but because she has no pecuniary interest in the project, does not feel there is a conflict in voting on this matter.

Councillor McWhirter said that this is the type of project these inducements should be used for instead of new developments.

Councillor Nytes moved, seconded by Councillor McWhirter, for adoption. Proposal No. 323, 2006 was adopted on the following roll call vote; viz:

*28 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

*0 NAYS:*

*1 ABSENT: Langsford*

Proposal No. 323, 2006 was retitled SPECIAL RESOLUTION NO. 43, 2006, and reads as follows:

*June 5, 2006*

CITY-COUNTY SPECIAL RESOLUTION NO. 43, 2006

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "Issuer"), is authorized by IC 36-7-11.9 and 12, as supplemented and amended (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be loaned to a developer and used for the acquisition, rehabilitation, installation and equipping of such facilities.

WHEREAS, Urban Innovations, Ltd., or its assigns (the "Applicant") has advised the Indianapolis Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer issue its revenue bonds and loan the proceeds of the Bonds to the Applicant for use in acquiring and improving certain economic development facilities, said economic development facilities consisting of the existing 111-unit apartment facility (to be renamed Park Regency Apartments) located at 8851 Colby Boulevard, Indianapolis, Indiana, in Pike Township (the "Project"); and

WHEREAS, the diversification of industry and the creation and retention of opportunities for gainful employment and the creation of business properties to be achieved by the acquisition and rehabilitation of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, it would appear that the financing of the Project would be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and rehabilitation of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

SECTION 1. It finds, determines, ratifies and confirms that the diversification of industry and the creation and retention of opportunities for gainful employment within the jurisdiction of the Issuer; is desirable, serves a public purpose and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the retention of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$6,750,000 under the Act to be privately placed or publicly offered (if permitted by current policy of the Commission) and the loan of the proceeds of the revenue bonds to the Applicant for the acquisition and rehabilitation of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition and rehabilitation of the Project, the Commission requests the City-County Council of the Issuer to (i) take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that the proposed inducement resolution expires on December 31, 2006, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the City-County Council of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action extends the term of the inducement resolution; and (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds provided that, at the time of the proposed issuance of such bonds, (a) the inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during the calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may, and in all probability will, be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such private activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds,

for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose at the time of the authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of the special resolution to be adopted by the City-County Council of the Issuer, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and acquisition and rehabilitation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the Project to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the Project.

SECTION 5. The Council recognizes that the Applicant intends to utilize Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, or any successor section thereof in connection with the financing of the Project with tax-exempt bonds.

SECTION 6. The Council hereby finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Internal Revenue Code of 1986, as amended, does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Applicant. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Mayor of the City of Indianapolis (the "Mayor") is hereby directed to delegate to the Director, Department of Metropolitan Development, the authority to execute on behalf of the Mayor and the Issuer any and all documents required in the application process for tax credit or volume cap allocations from the appropriate State of Indiana agency. In reliance upon the representations of the Applicant, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under the State's qualified allocation plan.

SECTION 7. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

### **SPECIAL ORDERS - UNFINISHED BUSINESS**

PROPOSAL NO. 165, 2006. Councillor Nytes reported that the Economic Development Committee heard Proposal No. 165, 2006 on March 22 and April 12, 2006. The proposal was returned to Committee on March 27, 2006, and failed due to an indecisive vote on May 15, 2006. The proposal, sponsored by Councillor Nytes, is an inducement resolution for Camby Woods, L.P. in an amount not to exceed \$14,000,000 which consists of the construction of a 220-unit apartment complex to be known as Camby Woods Apartments located at 7700 Camby Road (District 22). By a 4-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Speedy asked for consent to abstain from voting on this proposal to avoid the appearance of a conflict of interest. Consent was given.

Councillor Cockrum stated that this has been a very indecisive issue and this is the fourth time the proposal has been heard. He said that Decatur Township is very small in population compared to the other townships and there is no bus transportation to this area. He said that this is the wrong thing in the wrong place at the wrong time.

Councillor Gibson said that the project is next to a single family housing area, and should not disrupt the community. He added that this will bring additional tax revenue to the district and the developer is committed to contracting with minority and women-owned businesses.

Councillor Nytes moved, seconded by Councillor Gibson, for adoption. Proposal No. 165, 2006 failed on the following indecisive vote; viz:

June 5, 2006

*14 YEAS: Abdullah, Bowes, Boyd, Brown, Conley, Gibson, Gray, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Sanders, Talley*

*13 NAYS: Borst, Bradford, Cain, Cockrum, Day, Franklin, Keller, McWhirter, Pfisterer, Plowman, Randolph, Salisbury, Schneider*

*1 NOT VOTING: Speedy*

*1 ABSENT: Langsford*

Councillor Gibson stated that this proposal will stay on the agenda and come back for a fifth time, and he asked if there are any negotiations that can be done in the meantime to insure that there is not another indecisive vote. Councillor Cockrum stated that the deadline to apply to the state for volume cap in economic development bonds is June 9, 2006. Therefore, because the proposal did not pass this evening, it will be dead until next year. Councillor Nytes stated that this is correct and she would urge the developer to talk to the neighborhood folks to come up with some solutions before presenting again next year.

Councillor Nytes moved, seconded by Councillor Gibson, to return Proposal No. 165, 2006 to committee so that it can be stricken since it expires. Proposal No. 165, 2006 was returned to committee by a unanimous voice vote.

### **SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NOS. 355-360, 2006 and PROPOSAL NO. 361, 2006. Introduced by Councillor Mahern. Proposal Nos. 355-360, 2006 and Proposal No. 361, 2006 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on May 24, 2006. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 82-88, 2006, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 82, 2006.

2005-ZON-221

5343 AND 5353 ENGLISH AVENUE (Approximate Address), INDIANAPOLIS

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 21

JOSE E. CASTELLANOS, by Michael J. Kias, requests a rezoning of 0.412 acre, being in the D-5 Zoning District, to the C-3 classification to legally establish neighborhood commercial uses.

REZONING ORDINANCE NO. 83, 2006.

2006-ZON-005

4655 AND 4661 WEST WASHINGTON STREET (Approximate Address), INDIANAPOLIS

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 14

ORTO A. SMITH, by David Kingen, requests a rezoning of 0.3 acre, being in the C-I-D District, to the C-5 to provide for general commercial uses.

REZONING ORDINANCE NO. 84, 2006.

2006-ZON-010

1311 EAST 25<sup>TH</sup> STREET AND 2453 COLUMBIA AVENUE (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9

NICHOLS FINANCIAL SERVICES, by David Kingen, requests a rezoning of 0.433 acre, being in the C-3 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 85, 2006.

2006-ZON-016 (Corrected)

440 EAST 57<sup>TH</sup> STREET AND 5702 CENTRAL AVENUE (Approximate Address),  
INDIANAPOLIS  
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3  
THE BOARD OF SCHOOL COMMISSIONERS, by David Kingen, requests rezoning of 0.823  
acre, from the D-2 District, to the SU-2 classification to provide for the expansion of a school.

REZONING ORDINANCE NO. 86, 2006.  
2006-ZON-021

6202 CARROLLTON AVENUE (Approximate Address), INDIANAPOLIS  
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3  
MILLER SALONS, INC., by Marci A. Reddick, requests rezoning of 0.30 acre, from the D-5  
District, to the C-3C classification to provide for a day spa and beauty salon.

REZONING ORDINANCE NO. 87, 2006.  
2006-ZON-803

8611 WEST 96<sup>TH</sup> STREET (Approximate Address), INDIANAPOLIS  
PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1  
BERNEY GARLICK, requests a rezoning of 0.7068 acres, being in the  
D-S District, to the D-2 classification to provide for a single-family residential development.

REZONING ORDINANCE NO. 88, 2006.  
2006-ZON-017

4281 NORTH HIGH SCHOOL ROAD (Approximate Address), INDIANAPOLIS  
PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 7  
GEORGE E. DAAU, by David Kingen, requests rezoning of 0.804 acre, from the C-S (F-W) and  
C-1 (F-W) Districts to the C-3-C classification to provide for corridor commercial uses.

### **SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 307, 2006. Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 307, 2006 on May 23, 2006. The proposal, sponsored by Councillors Sanders and Nytes, clarifies and formally creates the Indianapolis Landmark Building Preservation Fund created by Proposal No. 489, 1999 (Fiscal Ordinance No. 99, 1999). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Sanders moved, seconded by Councillor Nytes, for adoption. Proposal No. 307, 2006 was adopted on the following roll call vote; viz:

*25 YEAS: Abdullallah, Borst, Bowes, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy*

*0 NAYS:*

*3 NOT VOTING: Bradford, Mansfield, Talley*

*1 ABSENT: Langsford*

Proposal No. 307, 2006 was retitled GENERAL ORDINANCE NO. 64, 2006, and reads as follows:

#### **CITY-COUNTY GENERAL ORDINANCE NO. 64, 2006**

A GENERAL ORDINANCE amending Chapter 135, Art. III, of the Revised Code of the Consolidated City and County by adding a new Division 6 and new Sections 135-355-

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. Chapter 135, Art. III, of the Revised Code of the Consolidated City and County, is hereby amended by adding a new Division 6 and by adding new Sections 135-354- to read as follows:



**Chapter 135, Art. III, Nonreverting City Funds.**

**Division 6. Indianapolis Landmark Building Preservation Fund.**

**Sec. 135-355. Created.**

There is hereby created in the city an Indianapolis Landmark Preservation Fund, pursuant to Proposal No. 489, 1999 (Fiscal Ordinance No. 99, 1999), for capital expenditures necessary for the preservation of City owned buildings of a historic nature.

**Sec. 135-356. Use.**

No part of the funds heretofore deposited in the Indianapolis Landmark Preservation Fund or hereafter deposited in the said fund shall revert to the general fund of the city. All funds therein shall be appropriated and used solely for the preservation of and the maintenance of and preservation of City owned buildings of a historic nature.

**Sec. 135-357. Responsibility for fund and appropriations from fund.**

The Office of Finance and Management shall have responsibility for all funds appropriated and placed within Indianapolis Landmark Preservation Fund. Amounts shall be paid from this fund only pursuant to appropriations authorized by the city-county council.

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 240, 2006. Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 240, 2006 on May 23, 2006. The proposal, sponsored by Councillors Nytes, Conley and Sanders, approves an appropriation of \$283,000 in the 2006 Budget of the Office of Finance and Management (Landmark Building Preservation Fund) for the purpose of conducting a HVAC/Exhaust study and making capital repairs and improvements to electrical and plumbing systems at the City Market. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Schneider stated that it seems like an awful lot of money for an HVAC study, and asked if the Building Authority was doing the study. Councillor Sanders said that she knows Building Authority is involved but is not sure that they are the ones doing the study. Councillor Schneider said that Animal Care and Control did an HVAC study a few years ago, and the cost of that was not even near this cost. Councillor Nytes said that this study also includes a long-range plan for the property, and they are trying to find a way to manage the venting from all the different food places. Because there are so many cooking areas in a historic building, this study is probably a little more complex than most.

President Gray called for public testimony at 9:14 p.m.

Robert Yahara, citizen, stated that it is important to restore the integrity of these historic buildings.

There being no further testimony, Councillor Nytes moved, seconded by Councillor Sanders, for adoption. Proposal No. 240, 2006 was adopted on the following roll call vote; viz:

25 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Speedy

0 NAYS:

3 NOT VOTING: Mansfield, Plowman, Talley

1 ABSENT: Langsford

Proposal No. 240, 2006 was retitled FISCAL ORDINANCE NO. 50, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 50, 2006

A FISCAL ORDINANCE of the City of Indianapolis and the County of Marion, Indiana, appropriating in the Landmark Building Preservation Fund for the purpose of conducting a HVAC/Exhaust study and making capital repairs/improvements to electrical and plumbing systems at the City Market.

WHEREAS, there exists a City of Indianapolis Landmark Building Preservation Fund established in 1999 (clarified and formalized by Proposal No. 307, 2006); and

WHEREAS, the fund is for capital expenditures for the preservation of City owned buildings of a historic nature; and

WHEREAS, the fund has a balance of Seven Hundred Twenty Two Thousand Five Hundred Sixty Seven dollars (\$722,567); and

WHEREAS, the city has identified capital expenditures necessary at the City Market, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Office of Finance and Management has determined the following capital projects are reasonable and necessary for the proper operation of the City Market:

a.	repairs to electrical distribution system, plumbing improvements and HVAC/exhaust study	183,000
b.	deductible for repairs due to fire damage	<u>100,000</u>
		283,000

SECTION 2. The Office of Finance and Management is authorized to take any actions it determines necessary or appropriate to complete the project listed in Section 1, but shall not be authorized to add additional projects not listed, without approval of the City-County Council. Upon the completion of an individual project, the unused balance of the project shall revert back to the fund balance.

SECTION 3. The appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the capital projects described in Section 1 above. Any surplus of each individual project shall be credited to the Landmark Building Preservation Fund.

SECTION 4. The sum of Two Hundred Eighty Three Thousand Dollars (\$283,000) is hereby appropriated for the purposes set forth in Section 1.

LANDMARK BUILDING PRESERVATION FUND

Unappropriated and Unencumbered	
Landmark Building Preservation Fund	<u>283,000</u>
TOTAL REDUCTION	283,000

SECTION 5. The projected December 31, 2006, fund balance for the Landmark Building Preservation Fund is as follows:

Cash balance as of February 28, 2006	722,567
Estimated 2006 revenues (interest earnings)	<u>15,000</u>
<b>Projected funds available</b>	<b>737,567</b>

June 5, 2006

Prior appropriations remaining to be spent	373,260
Proposed appropriation (Proposal No.240, 2006)	<u>283,000</u>
<b>Total Requirements</b>	<b>656,260</b>

<b>Projected fund balance December 31, 2006</b>	<b>81,307</b>
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Section 6. This ordinance shall be in full force and effect upon adoption and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 277, 2006. Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 277, 2006 on May 23, 2006. The proposal, sponsored by Councillors Brown, Sanders, Talley, McWhirter and Plowman, appropriates \$1,880,080 to the Information Services Agency (Information Services Internal Service Fund) to provide funding for a city-county enterprise-wide upgrade of the Microsoft Windows Operating System, including Outlook Exchange and Office Professional 2003, financed by fund balance. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Gray called for public testimony at 9:17 p.m. There being no one present to testify, Councillor Sanders moved, seconded by Councillor Nytes, for adoption. Proposal No. 277, 2006 was adopted on the following roll call vote; viz:

25 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Speedy*  
0 NAYS:  
3 NOT VOTING: *Mansfield, Plowman, Talley*  
1 ABSENT: *Langsford*

Proposal No. 277, 2006 was retitled FISCAL ORDINANCE NO. 51, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 51, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating a total of One Million Eight Hundred Eighty Thousand and Eight Dollars (\$1,880,080) in the Information Services Internal Service Fund for purposes of the Information Services Agency, and reducing certain other accounts for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.04 (o) of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Information Services Agency to provide funding for a city-county enterprise-wide upgrade of the Microsoft Windows Operating System, including Outlook Exchange and Office Professional 2003, financed by fund balance.

SECTION 2. The sum of One Million Eight Hundred Eighty Thousand and Eight Dollars (\$1,880,080) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>INFORMATION SERVICES AGENCY</u>	<u>INFORMATION SERVICES INTERNAL SERVICE FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	1,880,080
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	1,880,080

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>INFORMATION SERVICES INTERNAL SERVICE FUND</u>	
Unappropriated and Unencumbered	
Information Services Internal Service Fund	<u>1,880,080</u>
TOTAL REDUCTION	1,880,080

SECTION 5. The projected December 31, 2006, fund balance for the Information Services Internal Service Fund is as follows:

Cash balance at the end of 2005	4,939,289
Accounts receivable at the end of 2005	6,210,183
Estimated 2006 revenues	<u>28,215,191</u>
Total Funds Available for 2006	39,364,663
Carryover for prior year encumbrances	7,356,970
2006 appropriations	28,214,060
Proposed additional appropriation (this proposal)	<u>1,880,080</u>
Total Requirements	37,451,110
<b>Estimated Fund Balance December 31, 2006</b>	<b>1,913,553</b>

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 280 and 282-289, 2006 on May 17, 2006. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 280, 2006. The proposal, sponsored by Councillors Moriarty Adams, Randolph and Brown, appropriates a total of \$544,550 to the Marion County Justice Agency for the Metro Drug Task Force (\$244,550) and for an analysis of the juvenile detention system (\$300,000) financed by grants from the Indiana Criminal Justice Agency and from the Annie E. Casey Foundation. PROPOSAL NO. 282, 2006. The proposal, sponsored by Councillors Moriarty Adams, Borst, Randolph and Brown, approves an increase of \$503,293 in the 2006 Budget of the Marion County Superior Court (State and Federal Grants Fund) to pay for the Juvenile Drug Treatment program, the Transitional Assistance Service program for juvenile girls, and the Drug Treatment Court, funded by the Indiana Criminal Justice Institute. PROPOSAL NO. 283, 2006. The proposal, sponsored by Councillors Moriarty Adams, Borst, Randolph and Brown, approves an increase of \$152,290 in the 2006 Budget of the Marion County Superior Court (State and Federal Grants Fund) to pay for the Young Offenders program and expenses for the Community Court, funded by the Indiana Criminal Justice Institute. PROPOSAL NO. 284, 2006. The proposal, sponsored by Councillors Moriarty Adams, Borst and Brown, approves an increase of \$3,654 in the 2006 Budget of the Marion County Superior Court (Alcohol and Drug Services Fund) to pay for drug testing supplies and completes the transfer initiated in Fiscal Ordinance No. 32, 2006. PROPOSAL NO. 285, 2006. The proposal, sponsored by Councillors Moriarty Adams, Talley and Randolph, approves an increase of \$71,262 in the 2006 Budget of the Marion County Sheriff (State and Federal Grants Fund) to pay for expenses related to crime prevention. PROPOSAL NO. 286, 2006. The proposal, sponsored by Councillors Moriarty Adams, Talley and Randolph, approves an increase of \$11,567 in the 2006 Budget of the Marion County Sheriff (State and Federal Grants Fund) to pay for 29 body armor vests, funded by a grant from the Bureau of Justice Assistance. PROPOSAL NO. 287, 2006. The proposal, sponsored by Councillors Moriarty Adams and McWhirter, approves an increase of \$196,445 in the 2006 Budget of the Department of Public Safety, Police Division (Federal Grants and Non-Lapsing Federal Grants Funds) to appropriate six federal grants and to transfer funds between characters for another federal grant. PROPOSAL NO. 288, 2006. The proposal, sponsored by Councillors

June 5, 2006

Moriarty Adams, McWhirter and Pfisterer, approves an appropriation of \$34,634 in the 2006 Budget of the Department of Public Safety, Emergency Management Planning Division (Non-Lapsing Federal Grants Fund) to reimburse the Indianapolis Airport Authority, Indianapolis Public Transportation Corporation and the Emergency Management Division for expenses incurred in 2005 during Hurricane Katrina relief efforts, financed by funds provided by the U.S. Department of Homeland Security. PROPOSAL NO. 289, 2006. The proposal, sponsored by Councillors Moriarty Adams, Brown, Gray, Conley, Talley, Randolph and Pfisterer, approves an increase of \$620,421 in the 2006 Budget of the Department of Public Safety, Fire Division (Federal Grants and Non-Lapsing Federal Grants Funds), to fund the Urban Search and Rescue (USAR) Task Force operations for 2006-2007, to restore a contingency budget for future USAR deployments, and to purchase supplies, financed by grants from the U.S. Department of Homeland Security/Federal Emergency Management Agency and transfers between characters. By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Gray called for public testimony at 9:32 p.m.

Mr. Yahara said that he is glad to see a link of hands between the faith-based community and public safety personnel to help keep communities safe, and those who serve and protect are in his prayers.

There being no further testimony, Councillor Moriarty Adams moved, seconded by Councillor Cockrum, for adoption. Proposal Nos. 280 and 282-289, 2006 were adopted on the following roll call vote; viz:

26 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy*  
0 NAYS:  
2 NOT VOTING: *Mansfield, Talley*  
1 ABSENT: *Langsford*

Proposal No. 280, 2006 was retitled FISCAL ORDINANCE NO. 52, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 52, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating a total of Five Hundred Forty Four Thousand Five Hundred Fifty Dollars (\$544,550) in the State and Federal Grants and County Grants funds for purposes of the Marion County Justice Agency and reducing certain other accounts for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.06 (d) of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency continue funding for the Metro Drug Task Force (\$244,550) financed by a grant from the Indiana Criminal Justice Agency, and for an analysis of the juvenile detention system (\$300,000) financed by a grant from the Annie E. Casey Foundation.

SECTION 2. The sum of Five Hundred Forty Four Thousand Five Hundred Fifty Dollars (\$544,550) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	119,125
2. Supplies	0
3. Other Services and Charges	125,425
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	244,550

  

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>COUNTY GRANTS FUND</u>
1. Personal Services	258,621
2. Supplies	600
3. Other Services and Charges	40,779
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	300,000

SECTION 4. The said increased appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>244,550</u>
TOTAL REDUCTION	244,550

  

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered	
County Grants Fund	<u>300,000</u>
TOTAL REDUCTION	300,000

SECTION 5. The grant from the Indiana Criminal Justice Agency requires 25% matching funds that will come from existing operating budgets of various city and county agencies.

SECTION 6. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-14.

Proposal No. 282, 2006 was retitled FISCAL ORDINANCE NO. 53, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 53, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating Five Hundred Three Thousand Two Hundred Ninety Three Dollars (\$503,293) in the State and Federal Grants Fund for purposes of the Marion County Superior Court.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.05 (f) of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court to pay for drug treatment and transitional assistance service programs.

SECTION 2. The sum of Five Hundred Three Thousand Two Hundred Ninety Three Dollars (\$503,293) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the appropriated balance as shown in Section 4.

June 5, 2006

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	371,188
2. Supplies	2,500
3. Other Services and Charges	<u>129,605</u>
TOTAL INCREASE	503,293

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>503,293</u>
TOTAL REDUCTION	503,293

SECTION 5. There is a local match of \$154,843.46 that will be funded through current appropriations of the Marion County Superior Court.

SECTION 6. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriations for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-14.

Proposal No. 283, 2006 was retitled FISCAL ORDINANCE NO. 54, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 54, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating One Hundred Fifty Two Thousand Two Hundred Ninety Dollars (\$152,290) in the State and Federal Grants Fund for purposes of the Marion County Superior Court.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.05 (f) of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court to pay for young offender programs and the expenses of the community court.

SECTION 2. The sum of One Hundred Fifty Two Thousand Two Hundred Ninety Dollars (\$152,290) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the appropriated balance as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	129,933
2. Supplies	2,385
3. Other Services and Charges	<u>19,972</u>
TOTAL INCREASE	152,290

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>152,290</u>
TOTAL REDUCTION	152,290

SECTION 5. There is a local match of \$52,983 that will be funded through current appropriations of the Marion County Superior Court.

SECTION 6. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriations for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 284, 2006 was retitled FISCAL ORDINANCE NO. 55, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 55, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating Three Thousand Six Hundred Fifty Four Dollars (\$3,654) in the Alcohol and Drug Services Fund for purposes of the Marion County Superior Court.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.05 (f) of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court to pay for drug testing.

SECTION 2. The sum of Three Thousand Six Hundred Fifty Four Dollars (\$3,654) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the appropriated balance as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>ALCOHOL AND DRUG SERVICES FUND</u>
2. Supplies	<u>3,654</u>
TOTAL INCREASE	3,654

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>ALCOHOL AND DRUG SERVICES FUND</u>
Unappropriated and Unencumbered	
Alcohol and Drug Services Fund	<u>3,654</u>
TOTAL REDUCTION	3,654

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 285, 2006 was retitled FISCAL ORDINANCE NO. 56, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 56, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating Seventy One Thousand Two Hundred Sixty Two Dollars (\$71,262) in the State and Federal Grants Fund for purposes of the Marion County Sheriff.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.06 (b) of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Sheriff to pay for expenses related to crime prevention.



June 5, 2006

SECTION 2. The sum of Seventy One Thousand Two Hundred Sixty Two Dollars (\$71,262) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the appropriated balance as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>71,262</u>
TOTAL INCREASE	71,262

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>71,262</u>
TOTAL REDUCTION	71,262

SECTION 5. There is no local match related to this grant.

SECTION 6. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriations for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14

Proposal No. 286, 2006 was retitled FISCAL ORDINANCE NO. 57, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 57, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating Eleven Thousand Five Hundred Sixty Seven Dollars (\$11,567) in the State and Federal Grants Fund for purposes of the Marion County Sheriff.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.06 (b) of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Sheriff to pay for 29 body armor vests.

SECTION 2. The sum of Eleven Thousand Five Hundred Sixty Seven Dollars (\$11,567) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the appropriated balance as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
2. Supplies	<u>11,567</u>
TOTAL INCREASE	11,567

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>11,567</u>
TOTAL REDUCTION	11,567

SECTION 5. There is a 50% match associated with this grant that will be funded from current appropriations in the Sheriff's budget.

SECTION 6. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriations for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14

Proposal No. 287, 2006 was retitled FISCAL ORDINANCE NO. 58, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 58, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating One Hundred Ninety Six Thousand Four Hundred Forty-five Dollars (\$196,445) in the Federal Grants and Non-lapsing Federal Grants funds for purposes of the Department of Public Safety, Police Division, and reducing certain other accounts and the unappropriated and unencumbered balance in those funds.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(k) of the City-County Annual Budget for 2006 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division, to appropriate six federal grants and to transfer funds between characters for another federal grant. These grants are:

Justice Assistance Grant – Re-appropriation of \$33,364. This requests moves funding from Character 2 in the amount of \$1 and Character 4 in the amount of \$33,363. Funding will be allocated to: Character 1 – Overtime in the amount of \$30,000 for software development of special IT projects related to consolidation and \$3,000 for specialized training for the migration to Microsoft for Data Processing staff. Finally in partnership with the Indiana Department of Corrections, \$364 additional funding will be allocated for Web Site development of the Re-Entry Database project.

Super Achilles – appropriation of a Project Safe Neighborhoods grant in the amount of \$22,819 for the Super Achilles Unit. This request funds \$16,000 for overtime and \$6,819 for cell phones.

High Risk Robbery Initiative – appropriation of Indiana Criminal Justice Institute grant in the amount of \$58,536 for a new initiative focused on high risk robberies through out the neighborhoods. Funds are allocated for \$40,000 for district overtime, \$16,580 for crime analysis and \$1,956 for travel and training. The match of 25% will be provided by IPD's budget for crime analysts.

US Marshal – appropriation of \$6,000 from the US Marshall for overtime for Officer Mark Hess who is assigned to the US Marshal's Office.

ATF- appropriation of \$52,961 for each district's Neighborhood Resource Unit for special partnership projects with US Alcohol, Tobacco, Firearms & Explosives Agency.

MCCOY - appropriation of funds in the amount of \$7,500 for printing of the Marion County Youth Activity Directory. This project is a partnership between Marion County Commission on Youth, Lilly Endowment and the Indianapolis Community Foundation. IPD will serve as the fiscal agent for this pass through grant from the Indiana Criminal Justice Institute.

Traffic Safety - appropriation of \$15,265 for the purchase of radar guns and a crash data recorder. The required 25% match of \$5,088 will be met using IPD's budget for equipment.

SECTION 2. The sum of One Hundred Ninety Six Thousand Four Hundred Forty-four Dollars (\$196,445) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

June 5, 2006

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY

POLICE DIVISION

FEDERAL GRANTS FUND

1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	181
4. Capital Outlay	15,084
5. Internal Charges	<u>0</u>
TOTAL INCREASE	15,265

DEPARTMENT OF PUBLIC SAFETY

POLICE DIVISION

NON-LAPSING FEDERAL GRANTS FUND

1. Personal Services	144,961
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	36,219
5. Internal Charges	<u>0</u>
TOTAL INCREASE	181,180

SECTION 4. The said additional appropriation is funded by the following reductions:

DEPARTMENT OF PUBLIC SAFETY

POLICE DIVISION

NON-LAPSING FEDERAL GRANTS FUND

1. Personal Services	0
2. Supplies	1
3. Other Services and Charges	0
4. Capital Outlay	33,363
5. Internal Charges	<u>0</u>
TOTAL DECREASE	33,364

FEDERAL GRANTS FUND

Unappropriated and Unencumbered	
Federal Grants Fund	<u>15,265</u>
TOTAL REDUCTION	15,265

NON-LAPSING FEDERAL GRANTS FUND

Unappropriated and Unencumbered	
Non-Lapsing Federal Grants Fund	<u>147,816</u>
TOTAL REDUCTION	147,816

SECTION 5. The only grants that require a match are the High Risk Robbery Initiative grant from the Indiana Criminal Justice Institute, and a Traffic Safety grant, both of which require 25% local match. The local match for both of these grants will come from existing appropriations already approved in IPD's annual operating budget.

SECTION 6. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 288, 2006 was retitled FISCAL ORDINANCE NO. 59, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 59, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating an additional Thirty Four Thousand Six Hundred Thirty-four Dollars (\$34,634) in the Non-lapsing Federal Grants fund for purposes of the Department of Public Safety, Emergency Management Planning Division, and reducing the unappropriated and unencumbered balance in the Non-lapsing Federal Grants fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(k) of the City-County Annual Budget for 2006 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Emergency Management Planning Division, to reimburse the Indianapolis Airport Authority, Indianapolis Public Transportation Corporation and the Emergency Management Division for expenses incurred in 2005 during Hurricane Katrina relief efforts, financed by funds provided by the U.S. Department of Homeland Security.

SECTION 2. The sum of Thirty Four Thousand Six Hundred Thirty-four Dollars (\$34,634) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY

EMERGENCY MANAGEMENT PLANNING DIVISION    NON-LAPSING FEDERAL GRANTS FUND

1. Personal Services	0
2. Supplies	1,009
3. Other Services and Charges	33,625
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	34,634

SECTION 4. The said additional appropriation is funded by the following reductions:

NON-LAPSING FEDERAL GRANTS FUND

Unappropriated and Unencumbered	
Non-Lapsing Federal Grants Fund	<u>34,634</u>
TOTAL REDUCTION	34,634

SECTION 5. There is no local match required.

SECTION 6. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 289, 2006 was retitled FISCAL ORDINANCE NO. 60, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 60, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) transferring and appropriating an additional Six Hundred and Twenty Thousand Four Hundred and Twenty One Dollars (\$620,421) in the Federal Grants and Non-Lapsing Federal Grants Funds for purposes of the Department of Public Safety, Fire Division, and reducing the unappropriated and unencumbered balance in the Federal Grants and Non-Lapsing Federal Grants Funds.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(k) of the City-County Annual Budget for 2006 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Fire Division, to reappropriate unspent balances from two previously approved grants from the US Department of Homeland Security, and to appropriate four new grants from the US Department of Homeland Security.

SECTION 2. The sum of Six Hundred and Twenty Thousand Four Hundred and Twenty One Dollars (\$620,421) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

June 5, 2006

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY

FIRE DIVISION

FEDERAL GRANTS FUND

1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	60,052
4. Capital Outlay	0
5. Internal Charges	<u>1,582</u>
TOTAL INCREASE	61,634

DEPARTMENT OF PUBLIC SAFETY

FIRE DIVISION

NON-LAPSING FEDERAL GRANTS FUND

1. Personal Services	0
2. Supplies	133,220
3. Other Services and Charges	350,567
4. Capital Outlay	52,800
5. Internal Charges	<u>22,200</u>
TOTAL INCREASE	558,787

SECTION 4. The said additional appropriation is funded by the following reductions:

DEPARTMENT OF PUBLIC SAFETY

FIRE DIVISION

NON-LAPSING FEDERAL GRANTS FUND

1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	50,000
5. Internal Charges	<u>0</u>
TOTAL DECREASE	50,000

FEDERAL GRANTS FUND

Unappropriated and Unencumbered	
Federal Grants Fund	<u>61,634</u>
TOTAL REDUCTION	61,634

NON-LAPSING FEDERAL GRANTS FUND

Unappropriated and Unencumbered	
Non-Lapsing Federal Grants Fund	<u>508,787</u>
TOTAL REDUCTION	508,787

SECTION 5. There are no matching funds required.

SECTION 6. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 276, 2006. Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 276, 2006 on May 23, 2006. The proposal, sponsored by Councillors Sanders and Talley, amends the Code for the purpose of clarifying regulations regarding the requirements for registration to use sidewalk sales areas. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Bradford said that with 36 sidewalk cafes in Broad Ripple, some of which have been in place for many years and are actually a part of the infrastructure, he has concerns about

compliance within seven days. He said he supports the proposal but that he hopes the Controller will work with these businesses to help with the process.

Councillor Sanders moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 276, 2006 was adopted on the following roll call vote; viz:

*25 YEAS: Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley, Abdullah*  
*0 NAYS:*  
*3 NOT VOTING: , Brown, Mansfield*  
*1 ABSENT: Langsford*

Proposal No. 276, 2006 was retitled GENERAL ORDINANCE NO. 65, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 65, 2006

PROPOSAL FOR A GENERAL ORDINANCE to amend the “Revised Code of the Consolidated City and County” to clarify regulations regarding the requirements for registration to use sidewalk sales areas.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Sections 961-701 through 961-707, inclusive, of the “Revised Code of the Consolidated City and County” regarding the licensure of sidewalk cafes, hereby are amended by the deletion of the language that is stricken-through and by the addition of the language that is underscored, to read as follows:

**Sec. 961-701. Purpose; definitions.**

(a) It is the purpose of this article to benefit the residents of the city as a whole by promoting pedestrian traffic in commercial areas, enhancing the attractiveness of the downtown and other areas of concentrated development, and making beverages and food conveniently available for members of the public, without creating a health or safety hazard or inconveniencing pedestrians.

(b) As used in this article, the following terms shall have the meanings ascribed to them in this section.

*Abutting retail business property* means any real property used for retail business, which abuts (but is not located in) the public sidewalk area.

*Applicant* means a person, corporation, partnership, limited partnership, association or any other entity with the power to sue and be sued who has submitted a registration application under this article.

*Cafe activity* means the retail sale of beverages or food or the provision of a place for the consumption of beverages or food.

*Cafe area* means the area used for cafe activity and shall include the entire sidewalk sales area and any part of the abutting retail business property used directly for cafe activity.

*Effective walkway width* means that portion of the sidewalk in the public sidewalk area that is reasonably available for use by the pedestrian stream moving through the area, including use by persons using mobility aid devices.

*Public sidewalk area* means a sidewalk area located in the public right-of-way or in an area in which the public has an easement for sidewalk purposes, or both.

*Sidewalk sales area* means the portion of the public sidewalk area which has been registered with the controller for cafe activity.

**Sec. 961-702. Registration required; fee.**

(a) It shall be unlawful for a person to engage in cafe activity on a sidewalk in the public right-of-way without first being registered therefor with the controller as provided in this article. However, retail sales of beverages or food may occur:

- (1) From carts or stands operated pursuant to a license issued under this chapter except in a sidewalk sales area relative to which a registration has been granted under this section; or
  - (2) On a temporary basis if written permission is granted by the appropriate governmental units and such writing is filed with and approved by the controller.
- (b) A registrant under this article shall not be required to do the following:
- (1) Obtain a transient merchant activity license;
  - (2) Comply with the requirements of Section 645-511 et seq. of this Code, to the extent that they are inconsistent with the carrying out of cafe activity; or
  - (3) Obtain an encroachment license for a sidewalk cafe or an awning or canopy which does not extend beyond the sidewalk sales area and which is used in connection with cafe activity.
- (c) The annual fee for registration of a sidewalk cafe shall be One Hundred Sixty-Nine Dollars (\$169.00).

**Sec. 961-703. Requirements for registration.**

(a) The controller is authorized to approve a registration application of an ~~person~~ applicant to use a sidewalk sales area situated immediately next to the abutting retail business property owned or leased by the ~~person applicant~~, for the sole purpose of engaging in cafe activity. The sidewalk sales area which the ~~person applicant~~ utilizes for cafe activity shall be located in the city. A person who desires to register to use a sidewalk sales area for cafe activity shall complete a registration form provided by the controller, and file the form with the controller.

(b) The applicant shall submit a scale drawing or site plan with the registration application. The scale drawing or site plan shall show the appearance and location of:

- (1) All items to be placed within the sidewalk sales area, including, but not limited to, tables, chairs, barriers, signs, awnings, umbrellas, planters, and trash receptacles; and
- (2) All items existing on or in the public sidewalk area within ten (10) feet of the proposed sidewalk sales area at the time the registration form is submitted to the controller, including, but not limited to, parking meters, utility poles, sidewalk grate, sidewalk elevator, building standpipe, fire hydrant, or access ramp.

The department of metropolitan development shall review the scale drawing or site plan for consistency with the requirements and objectives of this article and submit a report of the review to the controller.

~~(b)~~ (c) The controller shall approve the registration and issue a certificate of registration to each ~~registrant applicant~~ applicant qualified under section 801-202 of the Code and the provisions of this chapter, if the requirements listed in this subsection are met.

- (1) The public sidewalk area immediately next to the abutting retail business property of the registrant shall be of the following width (measured from the curb edge to the property line): The effective walkway width of the public sidewalk area shall be no less than six (6) feet; provided, however, that the controller may approve an otherwise qualified registration application if the effective walkway width of the public sidewalk area is no less than five (5) feet and the applicant demonstrates that accessibility is not materially impeded to the satisfaction of the department of public works in conjunction with the coordinator of the office of disability affairs.
  - a. ~~At least fourteen (14) feet if the sidewalk is located within the geographic area bounded by the centerlines of North Street, East Street, South Street and West Street; or~~
  - b. ~~At least twelve (12) feet if the sidewalk is located outside the geographic area described in section (1)a. of this subsection.~~

- (2) The sidewalk sales area shall meet these requirements:
- a. The sidewalk sales area must be located next to abutting retail business property, and the perimeter of the sidewalk sales area that is intended to seat more than six (6) persons on furniture provided by the registrant shall be marked by a fence or other such structure that complies with the standards of the regional center;
  - b. The dimensions of the sidewalk sales area to be used for cafe activity shall be approved by the director of the department of public works under the following process:
    1. ~~The department of public works~~ shall conduct a pedestrian traffic count on a representative day or days ~~in the spring, summer or fall~~ for the public sidewalk area situated immediately next to the abutting retail business property owned or leased by the applicant;
    2. ~~The department of public works~~ shall calculate the effective walkway width of the sidewalk after removing from consideration the sidewalk sales area proposed to be used by the registrant; and
    3. The department shall review the proposed sidewalk sales area to ensure the placement of the sidewalk sales area does not materially impede accessibility.

The director of the department of public works shall, in light of such pedestrian count and effective walkway width information, determine if the effective walkway width will safely and comfortably accommodate pedestrian traffic at that location for a significant number of hours each week; however, in no event shall the director approve dimensions of a sidewalk sales area that would result in the effective walkway width being reduced to less than five (5) feet; and
  - c. No part of the sidewalk sales area is located within ~~twelve (12) feet of the point at which the right of way lines of two (2) or more streets intersect;~~
    1. ~~Fifteen (15) feet of any bus loading zone;~~
    2. ~~Ten (10) feet of any sidewalk elevator;~~
    3. Six (6) feet of any sidewalk grate, unless the registrant demonstrates that the purpose of the sidewalk grate is not frustrated by a sidewalk sales area within six (6) feet of the sidewalk grate;
    4. ~~Six (6) feet of any building standpipe, or building hydrant or sidewalk grate, unless the fire marshal or the fire marshal's designee determines upon inspection that access to the standpipe or hydrant is not impeded by a sidewalk sales area that is within six (6) feet of the standpipe or hydrant; or~~
    5. ~~Five (5) feet of any taxi stand area, crosswalk, driveway, or alleyway, or access ramp.~~
  - d. No item may be placed in the sidewalk sales area unless the item is in the place shown in the scale drawing or site plan submitted with the registration application.
- (3) The applicant shall be actively engaged in a retail business involving the sale of beverages or food in the abutting retail business property. The beverages or food sold in the cafe area will also be sold in the abutting retail business property. The floor area of the abutting retail business property must exceed the area of the sidewalk sales area.
  - (4) The director of the department of public works shall have determined on which days and during what hours the sidewalk sales area may be used for cafe activity.
  - (5) Applicable permits required by the Health and Hospital Corporation of Marion County and other regulatory agencies shall have been secured and are in force.
  - (6) The applicant shall have provided a certificate of public liability insurance to the controller, approved as to form by the corporation counsel, insuring the person and naming the City of Indianapolis as co-insured. The required amounts of personal injury and property damage



insurance requirements shall be established by the corporation counsel, and shall be maintained by the registrant throughout the term of the registration.

- (7) The applicant shall have provided a document, approved as to form by the corporation counsel, in which the registrant agrees to indemnify and hold harmless the city for losses, damages, claims or expenses arising out of the use of the sidewalk sales area for cafe activity.
- (8) ~~A scale drawing or site plan which shows the appearance and location of furniture, fixtures, and equipment (including, but not limited to, tables, barriers, chairs, signs, awnings, trash receptacles and umbrellas) in the cafe area, shall have been approved by the city department of metropolitan development for consistency with the requirements and objectives of this article.~~

**Sec. 961-704. Restrictions on cafe activity.**

(a) Use of the cafe area for cafe activity under this article shall be subject to the following conditions:

- (1) The registrant shall be required to obey the commands of law enforcement officers, ~~firemen~~ firefighters and all other public authorities acting pursuant to law with respect to activity carried out in the sidewalk sales area, including the temporary removal of furniture and equipment and temporary cessation of cafe activity;
- (2) When cafe activity is not being conducted or when the abutting retail business property is not open, the registrant shall remove from the sidewalk sales area, or otherwise secure, all furniture, equipment and goods which are susceptible to movement by the elements or by unauthorized persons;
- (3) ~~All furniture, equipment and goods must be susceptible of being removed from the sidewalk sales area within a reasonable period of time at any time with the manpower normally available to the registrant; All items associated with the sidewalk sales area must be~~ susceptible of being removed within seven (7) calendar days from the date that notification by the controller or the department of public safety that such removal is necessary is deposited in the mail or otherwise delivered to the registrant.
- (4) Provision shall be made to assure the sidewalk will not be littered, including placement of adequate trash receptacles and periodic picking up of litter in the sidewalk sales area and the area twenty (20) feet from the perimeter of the sidewalk sales area;
- (5) Sales of beverages or food shall not be accomplished by crying out or hawking;
- (6) Pedestrians shall not be exposed to any undue safety or health hazard nor shall a public nuisance be created, and, notwithstanding Section 431-106 of the Code, the registrant shall keep the public sidewalk area in front of or adjacent to the sidewalk sales area and abutting retail business property cleared of snow and ice at all times;
- (7) Sales of beverages or food may not be made to a person in or on any motorized vehicle;
- (8) Beverages or food sold in the sidewalk sales area shall be provided only for consumption in the sidewalk sales area or in the abutting retail business property;
- (9) The controller may, by written notice to the registrant, forbid the use of the sidewalk sales area during the time and within the geographic boundaries of a special event designated under Article V of this chapter, or require that the registrant meet the additional requirements imposed on all vendors by the special event sponsor; ~~and~~
- (10) The requirements set forth in Section 961-703 of this article continue to be met and the cafe activity is carried out in accordance with the site plan; and
- (11) If the fence or other such structure required by Section 961-703(c)(2)(a) of the Code includes a gate, including any means of entering or exiting the sidewalk sales area from the public sidewalk area, the gate shall not be allowed to remain open except when a person is entering or exiting the sidewalk sales area through the gate.

(b) A registrant's failure to comply with the conditions set forth in subsection (a) shall be grounds for enforcement proceedings under Chapter 801, Article IV of the Code.

**Sec. 961-705. Certain modifications or variances permitted.**

The metropolitan development commission may, with the prior approval of the director of the department of public works, modify or vary any of the requirements of section 961-703~~(bc)~~(1), (2), and (3) and section 961-704~~(a)~~(2) and (3) of this article on a showing that the requirement imposes a special hardship on the registrant and the modification or variance of the requirement will not interfere with the achievement of the purpose of the article as set forth in section 961-701 of this article.

**Sec. 961-706. Registration term.**

A registration under this article shall be ~~valid for a period of one (1) year from the date of issuance, unless a shorter period of time is indicated on the certificate of registration issued on or after January 1 of a particular year, and shall be valid until December 31 of the following year.~~

**Sec. 961-707. Renewal of registration.**

(a) Prior to the time a registration under this article is renewed:

(1) The registrant shall submit no later than November 1 an application for renewal of registration on a form provided by the controller together with the fee required by section 961-702 of the Code.

~~(2)~~ The department of public works may review the pedestrian traffic flow and if appropriate, modify the sidewalk sales area or the days and hours the area may be used;

~~(23)~~ The department of metropolitan development may review the site plan to assure that any changed conditions comply with the objectives of this article; and

~~(34)~~ The controller may review the operation of the sidewalk cafe to determine if its continued operation is in the best interests of the city.

(b) If, after the renewal application is submitted and the reviews provided in subsection (a) of this section are completed, it is determined that there are no changed conditions which would not allow pedestrian traffic flow standards to be met, no changes in the detailed site plan, and no change of circumstances such that the continued operation of the sidewalk cafe would not be in the best interests of the city, then registrations shall be renewed ~~automatically~~ by the controller ~~and without application for renewal by the registrant~~, unless at the time of renewal the registration:

(1) Has been revoked or suspended; or

(2) Is the subject of administrative or judicial proceedings which have the potential to result in the revocation or suspension of the registration, in which case the registration may continue in effect until the conclusion of the administrative or judicial proceedings.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 281, 2006. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 281, 2006 on May 17, 2006. The proposal, sponsored by Councillors Moriarty Adams, Borst, Talley, Randolph and Brown, approves a transfer of \$175,000 in the 2006 budget of the Marion County Superior Court (Cumulative Capital Improvement Fund) to pay for capital improvements at the Marion County Juvenile

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Detention Center. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor Borst, for adoption. Proposal No. 281, 2006 was adopted on the following roll call vote; viz:

25 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy*  
0 NAYS:  
3 NOT VOTING: *Brown, Mansfield, Talley*  
1 ABSENT: *Langsford*

Proposal No. 281, 2006 was retitled FISCAL ORDINANCE NO. 61, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 61, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) transferring One Hundred Seventy Five Thousand Dollars (\$175,000) in the Cumulative Capital Improvement Fund for purposes of the Marion County Superior Court.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.05 (f) of the City-County Annual Budget for 2006 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court to pay for capital expenses related to the Juvenile Detention Center.

SECTION 2. The sum of One Hundred Seventy Five Thousand Dollars (\$175,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the appropriated balance as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>CUMULATIVE CAPITAL IMPROVEMENT FUND</u>
4. Capital Outlay	<u>175,000</u>
TOTAL INCREASE	175,000

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>CUMULATIVE CAPITAL IMPROVEMENT FUND</u>
3. Other Services and Charges	<u>175,000</u>
TOTAL REDUCTION	175,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Conley reported that the Public Works Committee heard Proposal Nos. 291-293, 2006 on May 18, 2006. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 291, 2006. The proposal, sponsored by Councillors Moriarty Adams, Keller, Mahern, Conley and Pfisterer, authorizes the Department of Waterworks to conclude the sale of certain assets in the Town of Darlington, Montgomery County, to Aqua Indiana, Inc. PROPOSAL NO. 292, 2006. The proposal, sponsored by Councillors Moriarty Adams, Keller, Mahern, Conley and Pfisterer, authorizes the Department of Waterworks to conclude the sale of certain assets in Clay Township, Hamilton County, to the City of Carmel. PROPOSAL NO. 293, 2006. The proposal, sponsored by Councillors Speedy and Conley, authorizes intersection controls for the Southport Trace Subdivision (District 24). The Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Conley moved, seconded

by Councillor Gibson, for adoption. Proposal Nos. 291-293, 2006 were adopted on the following roll call vote; viz:

*26 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy*

*0 NAYS:*

*2 NOT VOTING: Mansfield, Talley*

*1 ABSENT: Langsford*

Proposal No. 291, 2006 was retitled GENERAL RESOLUTION NO. 8, 2006, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 8, 2006

PROPOSAL FOR A GENERAL RESOLUTION approving the sale of certain assets owned by the Department of Waterworks to Aqua Indiana.

WHEREAS, the Department of Waterworks (the "Department") owns certain real property and assets in the Town of Darlington, Montgomery County, Indiana (the "Darlington Assets"); and

WHEREAS, Chapter 273 of the "Revised Code of the Consolidated City and County" of Indianapolis and Marion County, Indiana vests in the Board of Directors (the "Board") of the Department certain powers and duties with respect to the operation of the Department; and

WHEREAS, pursuant to the Indiana Code 36-1-11, a disposing agent may transfer, by sale, lease or exchange property; and

WHEREAS, pursuant to Indiana Code § 36-1-11-2(2) the Board is a disposing agent; and

WHEREAS, pursuant to Indiana Code 36-1-11, the Board sought proposals for the purchase of the Darlington Assets, and Aqua Indiana submitted the only responsive proposal for the purchase of the Darlington Assets; and

WHEREAS, the Darlington Assets store, supply and distribute water to customers located in the Town of Darlington, Indiana; and

WHEREAS, the Department desires to sell and Aqua Indiana desires to purchase and acquire substantially all of the Darlington Assets upon terms mutually agreed upon by the Department and Aqua Indiana; and

WHEREAS, pursuant to Indiana Code 36-1-11-3, the City-County desires to approve the sale of the Darlington Assets; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Pursuant to Indiana Code Section 36-1-11-3, the City-County hereby approves the sale of the Darlington Assets to Aqua Indiana upon terms mutually agreed upon by the Department and Aqua Indiana.

SECTION 2. This resolution shall be in effect from and after its passage by the Council and compliance with Indiana Code § 36-3-4-14.

Proposal No. 292, 2006 was retitled GENERAL RESOLUTION NO. 9, 2006, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 9, 2006

PROPOSAL FOR A GENERAL RESOLUTION approving the sale of certain assets owned by the Department of Waterworks to the City of Carmel, Indiana.

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WHEREAS, the Department of Waterworks (the "Department") owns certain real property and assets in Clay Township, Hamilton County, Indiana; and

WHEREAS, Chapter 273 of the "Revised Code of the Consolidated City and County" of Indianapolis and Marion County, Indiana vests in the Board of Directors (the "Board") of the Department certain powers and duties with respect to the operation of the Department; and

WHEREAS, pursuant to the Indiana Code 36-1-11, a disposing agent may transfer, by sale, lease or exchange property; and

WHEREAS, pursuant to Indiana Code § 36-1-11-2(2) the Board is a disposing agent; and

WHEREAS, the Department owns certain assets that store, supply and distribute water to customers located in Clay Township, Hamilton County (the "Carmel Assets"); and

WHEREAS, the Department desires to sell and the City of Carmel ("Carmel") desires to purchase and acquire substantially all of the Carmel Assets upon terms mutually agreed upon by the Department and the Carmel; and

WHEREAS, pursuant to Indiana Code Section 36-1-11-8, the City-County desires to approve the sale of the Carmel Assets; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Pursuant to Indiana Code Section 36-1-11-8, the City-County hereby approves the sale of the Carmel Assets to the Carmel upon terms mutually agreed upon by the Department and Carmel.

SECTION 2. This resolution shall be in effect from and after its passage by the Council and compliance with Indiana Code § 36-3-4-14.

Proposal No. 293, 2006 was retitled GENERAL ORDINANCE NO. 66, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 66, 2006

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
40	Gray Rd Southport Trace Dr	Gray Rd	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**NEW BUSINESS**

Councillor Keller thanked all who came out in support of the victims on 520 North Hamilton Avenue last week. He said the outpouring of care and concern was very important for the neighborhood.

## **ANNOUNCEMENTS AND ADJOURNMENT**

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Borst stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Talley in memory of Harold Young, Jr., Robert Kelly and Rolinda Lee; and
- (2) Councillor Randolph in memory of Michael T. Masters, Kenneth E. White, Sr., and Danny Helm; and
- (3) Councillor Langsford in memory of James Dickerson and Julie Drake; and
- (4) Councillors Sanders, Gray, Conley and Brown in memory of Virginia McCarty; and
- (5) Councillor Pfisterer in memory of Ruth Ann Price, Martha Woods, Roger Craig Goughler, Bill Harrison, Edward F. Ryden, Lloyd "Bud" Cowen, Ray Wayne Blind, Sylvia Medvesek Dial and Leatha V. Caudle; and
- (6) Councillors Pfisterer, Langsford, Gray, Brown, McWhirter and Randolph in memory of John Mertes, Bill Campbell and Ron Alexander; and
- (7) Councillors Pfisterer, Franklin and Plowman in memory of John Baker; and
- (8) Councillor Day in memory of Don Whitlock and Bob McQueen; and
- (9) All Councillors in memory of Emma Valdez, Alberto, David and Alberto Jr. Covarrubias, and Flora, Magno and Luis Albarran; and
- (10) Councillor Schneider in memory of Lon Woods.

Councillor Borst moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Harold Young, Jr., Robert Kelly, Rolinda Lee, Michael T. Masters, Kenneth E. White, Sr., Danny Helm, James Dickerson, Julie Drake, Virginia McCarty, Ruth Ann Price, Martha Woods, Roger Craig Goughler, Bill Harrison, Edward F. Ryden, Lloyd "Bud" Cowen, Ray Wayne Blind, Sylvia Medvesek Dial, Leatha V. Caudle, John Mertes, Bill Campbell, Ron Alexander, John Baker, Don Whitlock, Bob McQueen, Emma Valdez, Alberto, David and Alberto Jr. Covarrubias, Flora, Magno and Luis Albarran and Lon Woods. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:46 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 5th day of June, 2006.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

(SEAL)

Clerk of the Council